

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>Paul E. Hackman, <i>et al.</i>,</b>	:	
	:	<b>Case No. _____</b>
<b>Plaintiffs,</b>	:	
	:	<b>Judge _____</b>
<b>v.</b>	:	
	:	<b>Removed from:</b>
<b>Selective Insurance Company of America,</b>	:	<b>Common Pleas Court,</b>
	:	<b>Franklin County, Ohio</b>
	:	<b>Case No. 21-CV-000471</b>
<b>Defendant.</b>	:	

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. § 1441, Defendant Selective Insurance Company of America (“Defendant” or “Selective”) hereby files this Notice of Removal from the Common Pleas Court, Franklin County, Ohio. The Court has original jurisdiction over this matter under 28 U.S.C. § 1332 on the basis of diversity jurisdiction.

**PROCEDURAL BACKGROUND**

1. Selective is the only named defendant in the above-captioned civil action instituted in the Common Pleas Court, Franklin County, Ohio.
2. The Summons and Complaint were filed by Plaintiffs on January 22, 2021.
3. Defendant was served with the Complaint on February 3, 2021.
4. This Notice of Removal is filed within thirty days of February 3, 2021, and is therefore timely under 28 U.S.C. § 1446(b).
5. Defendant will give written notice of the filing of this Notice of Removal to the adverse party as required by 28 U.S.C. § 1446(d), and will file a copy of this Notice of Removal

with the Clerk of the Common Pleas Court, Franklin County, Ohio, as further required by 28 U.S.C. § 1446(d).

6. A copy of all process and pleadings transmitted to counsel for Defendant is attached hereto as **Exhibit A**.

### **BASIS FOR REMOVAL**

7. This is a civil action that falls under this Court's original jurisdiction under 28 U.S.C. § 1332 (diversity of citizenship), and may be removed to this Court by Defendant in accordance with 28 U.S.C. § 1441(b).

8. Plaintiffs allege that they obtained an insurance policy from Defendant in October 2018 (the "Policy"); that on January 24, 2019, they suffered a loss due to water damage from freezing pipes at the real property known as 731 E. Broad St., Columbus, Ohio; that on January 30, 2019, they suffered a loss due to theft of personal property from the real property known as 2805 E. 5<sup>th</sup> Ave, Columbus, Ohio; that they filed claims with Defendant regarding these losses; and that Defendant has failed to pay or make a determination as to coverage on the claims. (*See* Complaint at ¶¶ 3-12.)

9. This action is being removed to this Court because it is the United States District Court for the district and division corresponding to the place where the state court action was pending, pursuant to 28 U.S.C. § 1441(a).

### **AMOUNT IN CONTROVERSY**

10. The amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, although Defendant expressly denies liability. (*See* Complaint at ¶¶ 18, 24, 32.)

11. Plaintiffs seek punitive damages and attorney's fees associated with their bad faith claim. (*Id.* at ¶ 32.)

12. The amount of the loss coupled with the damages sought in relation to the bad faith claim exceeds \$75,000. *See Pollock v. State Farm Mut. Auto. Ins. Co.*, No. 2:11-CV-0581, 2011 WL 5075815, at \*3 (S.D. Ohio Oct. 26, 2011).

**COMPLETE DIVERSITY**

13. Plaintiffs and Defendant are citizens of different states.

14. Plaintiff Paul E. Hackman resides in Franklin County, Ohio. (Complaint at p. 1)

15. Plaintiff Bryden Road Properties, Inc., is incorporated in Ohio. (*See* Ohio Secretary of State Business Filing Information for Bryden Road Properties, Inc.)

16. Plaintiffs do not aver that Defendant is a citizen of Ohio. *See Hertz Corp. v. Friend*, 559 U.S. 77, 93 (2010) (citing 28 U.S.C. § 1332(c)(1)) (providing that a corporation's citizenship is determined by its state of incorporation and principal place of business).

17. Defendant is a New Jersey corporation with its principal place of business in New Jersey.

18. Plaintiffs therefore do not share the same citizenship as Defendant, which creates complete diversity for purposes of diversity jurisdiction. *Evanston Ins. Co. v. Hous. Auth. of Somerset*, 867 F.3d 653, 656 (6th Cir. 2017) ("A federal court has such jurisdiction only if complete diversity exists, only if each of the plaintiffs comes from a different State from each of the defendants.").

THEREFORE, Defendant hereby removes to this Court from the Common Pleas Court, Franklin County, Ohio, the following civil action: *Paul E. Hackman, v. Selective Insurance Company of America*, Case No. 21-CV-000471.

Respectfully submitted,

/s/ Drew H. Campbell

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the forgoing was served upon the following  
via electronic mail, on this 18<sup>th</sup> day of February 2021, upon:

Joshua J. Fravel  
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*Counsel for Plaintiffs*

/s/ Drew H. Campbell

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